



Docket No.: FQ5-616

KAT.045

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shigeru Kurosawa

Serial No.: 10/686,526

Group Art Unit: 2624

Filed: October 16, 2003

Examiner: Dennis Rosario

For: PORTABLE COMUNICATION APPARATUS HAVING A CHARACTER
RECOGNITION FUNCTION

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Sir:

In response to the Office Communication dated April 8, 2009 (copy enclosed), we telephoned Examiner Sharmalla Coates (571-272-5677) on May 8, 2009, to request a more concise explanation of the grounds of rejection. In a subsequent telephone call with an agent from Ms. Coates' office, Applicant believes that the Applicant's response of March 27, 2009 to an Office Communication dated March 24, 2009, enclosing corrected pages 2, 9 and 16, appropriately corrects the grounds of rejection of the appealed claims.

If the March 27, 2009 response is not sufficient, Applicant requests a more precise explanation of the grounds of the rejection of the appealed claims.

Respectfully submitted,

Frederick E. Cooperrider, Esq.
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Date: 05/08/09
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,526	10/16/2003	Shigeru Kurosawa	FQ5-616 KAT.045	3993

21254 7590 04/08/2009

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MCGINN IP LAW, PLLC

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 04/08/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

5/8/09
10/8/09

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/686,526

Examiner

ROSARIO

Applicant(s)

KUROSAWA, SHIGERU

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 09/02/08 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

(5) The grounds of rejection are not consistent with the final office action filed on 4/11/08. The third grounds of rejection list claim 18 instead of claim 16.

571-272-5677
/Sharmalla Coates/
Sharmalla Coates, Supervisor
Patent Appeal Center